

1 Q Is that the non-attorney visiting log for SHU?

2 A For what?

3 Q For the SHU?

4 A I don't know if it's a non -- it doesn't -- say one
5 way or the other, but it shows numerous names there, though.

6 Q Do you see a -- do you see a date there, "July 26,
7 1997"?

8 A Yes, I do.

9 Q And do you see a time in there for you to have a
10 visit? And Mr. Grizzle to have a visit?

11 A "Nine to eleven."

12 Q Okay. And who is that 9:00 to 11:00?

13 A Or no, excuse me, it's not "9:00 to 11:00." It's
14 "11:00 to 1:30." I think that's "1:30."

15 "Thirteen hundred" -- no, "eleven" -- "eleven to
16 thirteen hundred."

17 Q Okay. Now, who is that that had a visit at 1100?

18 A That would be me.

19 Q I'm sorry, Mr. Healy?

20 A That's me.

21 Q Okay. And do you see a notation for Mr. Grizzle
22 there? On July 26?

23 A Yes, I do.

24 Q And what time does it show that he has a visit?

25 A Looks like -- I can't really read that writing. The
26 bottom one I don't know what it is and the top one looks
27 like "12." I'm not sure if that's what it is.

28 Q Mr. Healy --

1 A Or "13." "Thirteen hundred to" --, something, I don't
2 know. I can't --

3 Q "Fifteen hundred"?

4 A I can't really tell what that is. You'd have to --

5 Q Okay. Okay. Would it be "1300 to 1500"?

6 A Yeah, it could be "1300" but I'm not saying that it
7 is. I don't know.

8 Q Are the --

9 A Because if you look down at the other one, the
10 "1300," then it gets a distinctive "3." This other one up
11 here doesn't -- I'm not sure if that's a "3."

12 Q Okay, so you're not gonna admit to it being "1500,
13 correct?

14 A Well, if it's --

15 MR. FALLMAN: He can't admit to something --

16 THE WITNESS: If it was "1500," I could tell you it
17 was "1500," I would be more than happy to tell you that.

18 Q BY MR. CLANTON: That's fine, Mr. Healy. In any
19 event, do you recall which visiting booth you were in on
20 July 26th?

21 A No, I just realize -- I know that I was in -- farther
22 towards the back, walking down the bank I was on the left
23 side. Grizzle was a little ways down farther like
24 kitty-corner on the right side.

25 Q Well, look at these logs again and see if there's an
26 indication, if you see an indication of a actual visiting
27 booth indication for you and Mr. Grizzle.

28 THE COURT: Well, have these items been received into

1 evidence or have they been authenticated in some way?

2 MR. CLANTON: I believe they have been introduced
3 into evidence, your Honor. We were trying to find the one
4 that's been introduced into evidence and I was going to use
5 that exhibit when the clerk had it available.

6 THE COURT: What -- when did we let those in? I
7 don't --

8 MR. CLANTON: I believe we stipulated to those.

9 THE COURT: I have -- you went over before trial to
10 some things that you would --

11 MR. CLANTON: (Nodding.)

12 THE COURT: But I have not -- I have not received
13 anything in evidence except what I've -- what we've done
14 here in front of the jury. That's the only thing that's in
15 evidence at this moment.

16 MR. CLANTON: That's understood, your Honor. My
17 understanding is the Court would have those logs. I know
18 we've discussed those logs.

19 THE CLERK: Do you -- do you gentlemen know a number?

20 MR. FALLMAN: I don't remember the number.

21 THE COURT: Well, Mr. Healy, have you ever seen these
22 logs before?

23 THE WITNESS: No, I've never seen them in my life.

24 THE COURT: Well, I don't think he's in a position
25 to --

26 MR. CLANTON: That's fine, your Honor. I think I can
27 do it through another witness.

28 Q Mr. Healy, in any event, your testimony is you were

1 in a visiting room that was at -- kitty-corner to one in
2 which Mr. Grizzle was in?

3 A Yes.

4 Q That correct?

5 A That's correct.

6 Q And -- your testimony is you knew Mr. Grizzle prior
7 to this day; isn't that correct?

8 A Yes.

9 Q Okay. Talked to him prior to this day, correct?

10 A Yes.

11 Q And do you recall what you said to Mr. Grizzle? On
12 that day? What's the first thing you said to him?

13 A On that date? Where -- in personal visiting?

14 Q Sure.

15 A Yeah, I told him, "Hey, Rascal." He goes, "Who's
16 that?" I said, "It's Deadeye."

17 Q So you said, "Hi, Rascal." What was Mr. Grizzle's
18 response?

19 A "Who's that?"

20 Q Why'd he say, "Who's that?"

21 A Because he didn't see me. He was being escorted from
22 the cops -- I was down the tier. He was going up -- up
23 towards the back of the corridor.

24 Q Well --

25 A So he didn't see me when he came by.

26 Q Well, isn't it true, Mr. Healy, that you testified on
27 direct that you shouted to Mr. Grizzle after the guard had
28 taken off Mr. Grizzle's shackles and put him in his cell?

1 A Yes.

2 Q Okay. So in fact Mr. Grizzle couldn't see you; could
3 he?

4 A When -- what time you talking about?

5 Q When you said --

6 A He seen me afterwards when I called him.

7 Q Well, isn't it true, Mr. Healy, that the way these
8 cells are positioned with this perforated front that you
9 can't see at an angle into the cell? Isn't that true?

10 A You can or you can't?

11 Q You tell me. Can you or can't you?

12 A Yes, you can. Depending on how far down the corridor
13 you go and you can see.

14 Q In fact, if these cells are at an angle you can't see
15 in the cell; can you?

16 A Inside the cell?

17 Q Sure. You can't see who's in that cell; can you?

18 A No, you couldn't see inside the cell but you could
19 see when they come up to the door. To the front of the cell
20 you could see 'em then.

21 Q Well --

22 A If you have a diagram of the -- of -- that -- bank of
23 tier I could show it to you.

24 Q Well, in fact, Mr. Healy, I think we're going to be
25 doing that later with another witness.

26 A Oh, okay.

27 Q But in fact -- so your testimony is that you can see
28 Mr. Grizzle?

1 A Yes.

2 Q Is that your testimony?

3 A That is absolutely my testimony.

4 Q Well, if he's in the cell and you holler to him, why
5 does he say to you, "Who's that?"

6 A Because he -- that was his first response. See, over
7 there you got to understand, people are reluctant to talk if
8 they don't know who they are so if you call somebody they're
9 not just gonna run up on their door and go, "Hey, hi, how
10 you doing," and ask who it is.

11 Q Mr. --

12 A And he came to the front, said, "Hi, brother," then
13 we started talking.

14 Q Mr. Healy, you said earlier that Mr. Grizzle knew who
15 you were.

16 A He does know who I am.

17 Q So he can see you, he's going to know who you are,
18 right?

19 A Yeah, but if he's not at the front of the door how
20 can he see me?

21 Q Well, in any event --

22 A I mean, that's obvious.

23 Q In any event, Mr. Healy -- it's obvious to you, Mr.
24 Healy.

25 MR. FALLMAN: Your Honor, I move to strike that.

26 THE COURT: Sustained. You're -- you're simply
27 commenting on the evidence.

28 Q BY MR. CLANTON: (Shaking head.) So your testimony

1 is you saw Mr. Grizzle make a motion with his hands, right?

2 A Yes.

3 Q And your testimony is you could see him do that.

4 A Yes, I could.

5 Q Okay.

6 A There's not a doubt in my mind.

7 Q (Nodding.) I imagine that, Mr. Healy. Mr. Healy,
8 this was on July 26th, correct? More or less? To your
9 recollection?

10 A It -- what? What was on July 26th? The visit?

11 Q Yes.

12 A Well, no, if you -- them papers right there were
13 right it was on the 27th.

14 Q Okay. All right. This is on the 27th, let's say.

15 A All right.

16 Q That's your recollection?

17 A Dates --

18 Q Yes.

19 A I'm -- I'm not good on the day. I couldn't tell you
20 the exact day. But if that paper says it and that's the
21 paper for the visit on the March -- yeah, or whenever we was
22 out there -- July, yeah, then that's when it was.

23 Q Okay. Now, let's -- say towards the end of July
24 since you can't recollect. Now, something happened between
25 July and October 2nd of 1997; didn't it?

26 A Something happened between July and October --

27 Q Yes.

28 A -- of '97?

1 Q You in fact went to trial and were convicted; were
2 you not?

3 A Yes, I was convicted. Of manslaughter.

4 Q You -- and you were convicted on October 2nd, 1997;
5 isn't that correct?

6 A That's correct.

7 Q Okay. And prior to that date, you hadn't debriefed;
8 had you?

9 A No.

10 Q And you were convicted of voluntary manslaughter,
11 possession of spear tips; is that correct?

12 A That's correct.

13 Q And isn't it true that the jury -- well, not the
14 jury, but that was a three strikes case for you; isn't that
15 correct?

16 A Yes.

17 Q In fact, you were looking at 25 to life. Isn't that
18 correct?

19 A I think more than that. I was looking at a lot,
20 yeah.

21 Q Okay.

22 A A life sentence, yeah, three strikes.

23 Q The door was gonna close on you; isn't that correct?

24 A Yes.

25 Q Okay. Now, you told this jury that you perjured
26 yourself at your own trial; isn't that correct?

27 A Yes, that's correct.

28 Q Took the stand like this one right here and raised

1 your hand?

2 A No, I sat over there.

3 Q Okay. In any event, you took an oath.

4 A I took an oath, raised my hand, yes.

5 Q Oath to tell the truth.

6 A Yes.

7 Q And then you proceeded to lie.

8 A Yes, I did.

9 Q You lied very convincingly; didn't you?

10 A Yeah, I guess so. They -- found me not guilty of --

11 Q Okay.

12 A -- the murder.

13 Q So the jury believed you.

14 A Yes.

15 Q So you did a good job.

16 A I didn't beat it. I didn't get found not guilty so I
17 didn't do that good of a job.

18 Q Well, Mr. Healy, do you recall -- well, strike that.
19 You weren't compelled to testify at your own trial; were
20 you?

21 A No, I wasn't compelled. I have a Fifth Amendment
22 right not to take the stand.

23 Q Right. And so nobody was forcing you to take the
24 stand; were they?

25 A No.

26 Q So you volunteered to take the stand.

27 A Yes.

28 Q Okay. And you weren't testifying against the Aryan

1 Brotherhood; were you?

2 A Against 'em? No, not --

3 Q Or for --

4 A Not the entire time.

5 Q Or for the Aryan Brotherhood; were you?

6 A Well, not directly, no.

7 Q Okay, so you didn't have to defend a brother as you
8 testified on direct; is that correct? Was for --

9 A Defend a brother?

10 Q Right.

11 A What do you mean? You mean in court testify against
12 a brother?

13 Q Sure.

14 A No, I was testifying for myself.

15 Q Okay. But you lied anyway.

16 A I lied.

17 Q Okay.

18 A To hide the conspiracy.

19 Q So would it be fair to say, Mr. Healy, that you would
20 lie to protect your own interests; wouldn't you?

21 A Now or then?

22 Q I'm asking you, would you lie to protect your own
23 interests?

24 A I'll say I've lied in the past to protect my own
25 interest when I was active in the Aryan Brotherhood. I'm
26 not lying now.

27 Q Did you lie at your trial to protect your own
28 interests?

1 MR. FALLMAN: Asked and answered.

2 THE WITNESS: As well as the conspiracy.

3 THE COURT: Yes. The -- the -- the question has been
4 asked and answered. Sustained.

5 Q BY MR. CLANTON: Now, isn't it true, Mr. Healy, that
6 you had escape plans during the course of your trial?

7 A Yes, but they never got off the ground. We was
8 trying to escape.

9 Q The fact is you had a plan, right?

10 A Yes, we had a plan.

11 Q And did you carry a handcuff key with you during that
12 period of time?

13 A Yes, I did.

14 Q And did you have that plan to escape and carry that
15 handcuff key because you knew you were facing three strikes?

16 A No, I could -- I didn't have to be facing three
17 strikes. I would have escaped if I could got a chance to.

18 Q So it's your testimony three strikes is no problem
19 for you.

20 A No, time's never been an issue with me. I started
21 out with four months. I've been down ten years this time.
22 Time's never been an issue with me.

23 Q So three strikes wasn't an issue for you.

24 A No.

25 Q Yes or no?

26 A I said "no."

27 Q Okay, why'd you ask the judge to eliminate them then?

28 A Because after I started this new life that I'm

1 leading now which is to help the law enforcement across the
2 states, doing that now, I would like to be out one day. As
3 an active member in the Aryan Brotherhood I didn't care
4 about nothing but the Aryan Brotherhood. My total
5 dedication, all my life I've been dedicated to them. Now
6 I'm dedicated to myself.

7 Q So, Mr. Healy -- and in fact you have a parole date
8 now; don't you?

9 A That I don't know. Oh, yeah, I didn't get life if
10 that's what you mean, but I don't know what it is.

11 Q But you have a parole date.

12 A Yes, I do.

13 Q You intend to live on the streets someday; don't you?

14 A I don't know. I got Hepatitis C and I got 60 to 70
15 years so I don't even know if I'm going to live that long.
16 So to say I'm going to parole, I don't know.

17 Q Mr. Healy, you say you have 60 to 70 years. Do you
18 know that to be true?

19 A I don't know. I got fifty years for the Ruffo thing.
20 I got thirty years before that to 1217. I haven't been to
21 committee. I don't even know my parole date.

22 Q Do you recall testifying at your own trial you had a
23 parole date approximately 2020?

24 A Yeah, 2017.

25 Q Okay.

26 A That was prior to the murder of Ruffo, yes.

27 Q No, but -- the time that you were doing prior to
28 Ruffo was running concurrent with this new beef; isn't that

1 true?

2 A If it does do that then yes, it's fifty years.

3 Q In fact --

4 A I don't know. You're asking me to draw these
5 conclusions regarding legal issues and how the committee
6 works. I keep on telling you I haven't even been to no kind
7 of committee. I have not -- I don't even know what my
8 parole date is. I do not know. I could -- I can only
9 speculate. I know I got fifty years. That's all I know.

10 Q Speculate for us, Mr. Healy, when's your parole date?

11 A I don't know.

12 Q Okay. You've been --

13 A I honestly cannot tell you.

14 Q You've been in prison since 1984, right?

15 A Yeah.

16 Q Paroled out at least once?

17 A Yes.

18 Q How many times did you parole out?

19 A Oh, about four, three or four times.

20 Q Okay. And so you're telling us with all that
21 experience, all those years, you can't project what your
22 parole date is.

23 A Well, I don't think that would be fair to even draw
24 them conclusion on the eighties because now the laws are
25 totally different and I don't know how the laws are working
26 on terms of sentencing. You got all new sentencing laws as
27 I'm sure you know of.

28 Q Well --

1 MR. FALLMAN: And I would join in that as an
2 objection based on the change -- the new three strikes law
3 based on the change in the law, that I would object to that
4 as an ambiguous question and calling for a legal conclusion.

5 THE COURT: Well, his testimony is he doesn't know
6 when his release date is. If you want to raise legal points
7 you'll have to -- you'll have to approach that through some
8 other avenue. Proceed.

9 Q BY MR. CLANTON: Okay. Well, in any event, Mr.
10 Healy, you've got a parole date.

11 A Yes, I have a parole date.

12 Q That would be agreeable?

13 A Yes, I will one day probably be out if I live that
14 long, yes.

15 Q Okay. And you wouldn't have gotten that parole date
16 if you'd gotten three strikes, right?

17 A No. To tell you the truth, I probably would have
18 been better off if I got three strikes because then I would
19 be going to a board and I think a board would be more
20 willing to hear my story now and see all the good that I've
21 done. I don't go to a board now. Now if -- I'm just going
22 to have to do my time so I probably would have been better
23 off getting 25 to life or something.

24 Q So -- in other words, you weren't concerned about the
25 three strikes.

26 A When?

27 Q At your trial.

28 A No. I already told you time has never been an issue

1 until now.

2 Q Okay. But you asked the judge to eliminate 'em,
3 right?

4 A Yes, I did.

5 Q Okay.

6 A After I decided to debrief and turn State's evidence.

7 Q Well, you decided to debrief after you were
8 convicted. Isn't that correct?

9 A Yes, that is.

10 Q And before you were sentenced, right?

11 A Yes.

12 Q That -- timing have anything to do with your fear of
13 three strikes, Mr. Healy?

14 A No, the -- what drove me to debrief was a
15 conversation that I had with Griffin, Robert Griffin in the
16 legal visiting area on the day that I was talking to the
17 investigator Kuhn (sic). When I talked to him about Ruffo
18 and he got cocky with me over the tier about questioning and
19 that's when I decided to debrief. I left a couple days
20 later. Time had nothing to do with it. I felt them dudes
21 were letting me down. They lied to me and I came forward.

22 Q So, Mr. Healy, the fact that you debriefed after your
23 conviction and before your sentencing had nothing to with
24 your fear of three strikes, correct?

25 A No.

26 Q Okay.

27 A Time -- like I said, now the issue of time -- I would
28 love to be out again. I think I have something to offer

1 now. Then I didn't care because my total obligation was to
2 the Aryan Brotherhood. I was lost in the mystique.

3 Q Well, isn't it true, Mr. Healy, that it was on the
4 21st of November of '97 that you contacted the District
5 Attorney through their investigator, Mr. Barton?

6 A Say that again. I didn't understand the question.

7 Q Isn't it true, Mr. Healy, that it was on the 21st of
8 November of 1997 when you contacted the investigator for the
9 District Attorney's Office, Mr. Barton?

10 A I don't believe I ever contacted him. .

11 Q Did you ever have a discussion with Mr. Barton?

12 A Oh, yeah, I've had discussions with him but I never
13 initiated no contact with Barton, not to my recollection.

14 Q Did you ever send him a letter?

15 A I sent the District Attorney a letter.

16 Q Okay, was that ever given to Mr. Barton? Do you
17 know?

18 A That I don't know. I don't know what ever happened
19 to that letter. But I'm pretty sure I addressed it to Mr.
20 Fallman, not Mr. Barton.

21 Q So, in any event, prior to your sentencing you made a
22 decision to debrief; is that correct?

23 A Yes.

24 Q Okay. And isn't it true if you got an indeterminate
25 SHU the only way you're going to leave it is one of three
26 ways. You debrief; you die; you parole.

27 A That's true.

28 Q Okay, so you chose to debrief.

1 A You try.

2 Q And is that because you were contemplating 25 to life
3 rotting away in the SHU?

4 A I already told you no, that's not what it was. Let
5 me try to explain it again, it would be more clear for you.
6 I had a conversation with Griffin. See, you got to
7 understand that Ruffo's murder was bugging me. And I'll
8 tell you why. Because all these brothers told me that he
9 was a rat. And then when I started questioning them about
10 it they couldn't stand up to it. It did not hold water.
11 That's when I started slowly drifting away from the Aryan
12 Brotherhood. Then when I questioned Griffin and he started
13 telling me, "Don't be questioning my word," that's when I
14 decided to debrief. It had absolutely nothing to do with
15 the time.

16 Q Well --

17 A If it had to do with time -- I started out with four
18 months, a four-month violation. I could have been gone.
19 Ten years ago. If I was that much concerned about time
20 don't you think I would have took that opportunity and split
21 then?

22 Q So, Mr. Healy, you've indicated you started drifting
23 away from the Aryan Brotherhood. Is it any -- any
24 coincidence the fact that that wave crested from the time
25 you were convicted and were going to be sentenced?

26 A It might have been coincidental but there was
27 absolutely no intention there, absolutely not. And you got
28 to understand also, just because I got fifty years, do you

1 think that's a deal? Come on, think about fifty years, how
2 long that is. That's not no deal. And if I'm in there
3 bargaining for a time I surely wouldn't have said, "Okay, I
4 give you testimony and you give me fifty years." How does
5 that sound? That doesn't make no sense.

6 Q Mr. Healy, you're aware of sentencing credits; aren't
7 you?

8 A I used to be but I don't know how it works now.
9 That's a legal issue. I don't know nothing about the law.

10 Q So you're an individual who's been in prison more or
11 less since 1984.

12 A Yes.

13 Q Fifteen years.

14 A Yes.

15 Q And you don't know anything about sentencing credits?

16 A The way it works now? No. No, I do not.

17 Q Did you have an attorney at the time that you went
18 through your trial?

19 A Gallegos, yeah.

20 Q Okay. And was he there at the time of sentencing?

21 A He was there but I cut off communication with him
22 immediately when I decided to debrief because he's been
23 involved with -- communicating with A.B. members and he was
24 representing your client at the time.

25 Q Well --

26 A And I didn't want nobody thinking I was pumping
27 information from him so I didn't provide information to that
28 individual.

1 Q Mr. Healy, is it your testimony to the jury today
2 that you didn't consider anything of the sentencing aspects
3 prior to your debriefing, absolutely none?

4 A None. That's my testimony. I was not concerned
5 about the sentencing.

6 Q And that you know nothing about the consequences of
7 your sentencing with regards to credits and how much time
8 you're actually going to serve?

9 A Right now, no, that is true.

10 Q Okay, but you do know you have a parole date; that's
11 all you can tell us?

12 A I do know I have a parole date. I know I did not get
13 a life sentence.

14 Q Well, you know you're not going to serve all those
15 fifty years; don't you?

16 A That I don't know because I don't understand how the
17 laws work.

18 Q Okay.

19 A You keep on asking me how the sentencing goes. You
20 probably know it better than I do.

21 Q That's fine. Mr. Healy -- well, isn't it true, Mr.
22 Healy, that when you contacted the District Attorney's
23 Office, let's say in November, late November, 1997, before
24 your sentencing --

25 A I believe it was early in November. I don't believe
26 it was late.

27 Q Okay, in any event -- let's say it's early in
28 November. You knew quite a bit about the Littrell/Marsh

1 incident; did you not?

2 A I knew what I've testified here to.

3 Q But you knew some details; didn't you?

4 A I know the details that I've been involved in, what
5 I've testified to, yeah.

6 Q Well --

7 A I don't know the extent of your question. I don't
8 know what you're -- heading towards. Yeah, I knew some
9 things. I knew why he was killed; I know who ordered the
10 murder; I know who killed him. I mean, I know all that. I
11 know how he got the message that killed the dude.

12 Q Well, Mr. Healy, prisoners are allowed to have
13 newspapers; aren't they?

14 A Yes, they are.

15 Q Allowed to have the local paper, The Triplicate;
16 aren't they?

17 A Yes, they are.

18 Q They're able to watch television on occasion?

19 A Yes, they are.

20 Q And, in fact, this case was reported in the local
21 paper and was on the news; wasn't it?

22 A I believe so.

23 Q And did you ever read any of that?

24 A You know what? I -- I don't think I ever seen it on
25 TV. I don't even think I heard it on the radio, but I
26 believe it was in the newspaper.

27 (Counsel conferring briefly.)

28 MR. CLANTON: I would like this marked as Defendant's

1 Exhibit next in order.

2 THE CLERK: That will be double "R."

3 THE COURT: Exhibit double R, a newspaper.

4 (Defendant's Exhibit RR, a
5 newspaper article, was
6 marked for identification.)

7 MR. FALLMAN: There's no objection to this.

8 THE COURT: All right. Want that received in
9 evidence?

10 MR. CLANTON: Yes, your Honor.

11 THE COURT: All right, double "R" is received in
12 evidence.

13 (Defendant's Exhibit RR was
14 received in evidence.)

15 MR. CLANTON: May I approach the witness, your Honor?

16 Q Mr. Healy, let me show you what's been marked
17 Defendant's double R. Would you tell me whether you see any
18 article about the Grizzle/Littrell/Marsh --

19 A Yes, it's down here at the bottom on the right -- on
20 the left-hand side.

21 Q And would you read that to yourself, please?

22 A Okay.

23 Q That's -- and could you --

24 A It discusses -- well, it mentions all three, the
25 defendant, Littrell and Marsh.

26 Q And --

27 A And it talks about some of the particulars, alcohol
28 and -- Marsh had a drug alcohol level of .10 I think it was.
And they both been charged.

1 Q What's the date on that newspaper, Mr. -- Mr. Healy?

2 A Wednesday, September 17th, 1997.

3 Q Okay. That's -- if I may. So that's more than two
4 months before you make this debriefing effort; isn't that
5 correct?

6 A That's correct.

7 Q Now, your sentencing was on December 19th, 1997;
8 isn't that correct?

9 A I think so, yeah. But it was scheduled earlier and
10 they postponed it.

11 Q Okay. And at that sentencing, did this man here, Mr.
12 Fallman, ask that your three strikes be stricken?

13 A No.

14 Q He didn't?

15 A No.

16 Q You were present at that sentencing hearing; isn't
17 that correct?

18 A Yes, I was.

19 Q If I were to give you a copy of the transcript, would
20 that refresh your memory what took place there?

21 A Yeah, I think it probably would because -- at that
22 time I was talking to my -- my lawyer, Paul Gallegos.

23 (Counsel conferring briefly.)

24 MR. FALLMAN: Your Honor, I wouldn't have a problem
25 with this in its entire context. The objection would be --

26 THE COURT: Well, let's -- let's -- a speaking
27 objection, let's come up to the bench.

28 / / /

(The following proceedings
were held at bench outside
the presence of the jury.)

THE COURT: What is --

MR. FALLMAN: Your Honor, what -- what he's got is Judge Petersen making a statement that on recommendation of the D.A. the three strikes will be stricken. I don't remember exactly without looking at all the pages here but -- I mean, I don't have a problem as long as the entire sentencing thing -- were to be given to the jury. This one page is hearsay which I think -- misstates what happened. I think what happened is that the judge struck one of the strikes and -- and to ask him, "Did he strike the three strikes," it sounds as if he struck all of the strikes and that's not what happened. I think he struck one strike and that's how he got a 50-year sentence but -- is that right?

MR. CLANTON: No, I don't agree.

MR. FALLMAN: Well, then this is why we need the entire transcript because I can't remember and he doesn't --

MR. CLANTON: What I'm after here, your Honor, is just simply that in fact Mr. Fallman -- unless he wants to stipulate to that, that Mr. Fallman argued to that court that in fact the strikes should be stricken. He did.

MR. FALLMAN: I would like to read exactly how it's worded.

THE COURT: Well, did you do that or not?

MR. FALLMAN: I can't remember exactly how I said it.

MR. CLANTON: Well, give --

MR. FALLMAN: I would like to read the rest of this.

1 MR. CLANTON: Give him the opportunity to read the
2 rest of his transcript then he can make that decision but I
3 can guarantee you that he did.

4 MR. FALLMAN: It's possible but I need to read it.

5 THE COURT: Well, do we need this witness to discuss
6 that if that's a prerecorded proceedings anyway?

7 MR. CLANTON: Well, I do think it's important that I
8 discuss that with this witness because, in my opinion, my
9 theory, it's a motive for him to come up here and lie.

10 THE COURT: Well, if -- if the witness is -- is shown
11 this and he remembers the colloquy then you can just --

12 MR. CLANTON: Okay.

13 THE COURT: Then you're better off to raise this and
14 you can do it. If -- and if -- you want to come back later
15 with the full transcript to prove that it's all a
16 misunderstanding or something, maybe that has some
17 relevance, although it's really -- in this context it's
18 really the witness's understanding of it rather than what
19 really happened that matters because that's what we're doing
20 with his testimony.

21 MR. CLANTON: Well, I was going to have him look at
22 that and see if he recalls.

23 MR. FALLMAN: Well, I don't think that's fair because
24 I think, number one, the judge's statement is ambiguous.
25 Number two, it's hearsay as to what I would have said, and
26 if we can read the ten pages before it we'll know exactly
27 what I said.

28 THE COURT: Well, what really matters, though, is --

1 is not what happened but what Healy believed happened.
2 That's what influences his testimony. If he believes
3 something happened and something else really happened but it
4 didn't influence his testimony it doesn't matter. If he had
5 a completely wrong impression but it influenced his
6 testimony then it matters.

7 So -- I'm going to allow Mr. Clanton to go ahead and
8 show him this and see -- see what his reaction to it is.

9 MR. CLANTON: Thank you.

10 MR. FALLMAN: All right.

11 (The proceedings then
12 resumed in open court in the
presence of the jury.)

13 Q BY MR. CLANTON: Mr. Healy, I'm going to show you a
14 transcript of your sentencing proceedings and see if this
15 refreshes your memory, okay?

16 A All right.

17 Q The underlined portions.

18 A Yes, that's what it says.

19 Q Okay. Does that refresh your memory?

20 A Yes, it does.

21 Q So in fact Mr. Fallman requested that your strikes be
22 stricken; didn't he?

23 A Yes, it does.

24 Q And in fact they were stricken; weren't they?

25 A Yes, they was.

26 Q Was that a relief to you?

27 A Sometimes I have second thoughts about it. Like I
28 told you earlier, it's like I think I ought to get out

1 sooner if I had 25 to life.

2 Q Well, Mr. Healy, again, you've been in prison fifteen
3 years. Consider yourself institutionalized?

4 A Yes, I do.

5 Q So, I mean, you pretty much know the ins and outs of
6 prison life; is that correct?

7 A No, it means I'm pretty comfortable; I'm not really
8 concerned about getting out. Institutionalized doesn't mean
9 I know all the policies and procedures. I have an
10 understanding of them. I'm not going to sit here and tell
11 you I don't. But as far as whether or not that makes me
12 feel better, no.

13 Q Well, Mr. Healy, you testified on direct that 25 to
14 life, all those new rules in fact had become a real
15 deterrent for some of your friends, correct?

16 THE COURT: Deterrent what? Say that again.

17 Q BY MR. CLANTON: Three strikes law, you specifically
18 mentioned the three strikes law, that that had become a real
19 concern for some of your friends; isn't that correct?

20 A No.

21 Q You didn't say that?

22 A I don't believe so.

23 Q Okay. Well, had it?

24 A I don't think so. Nobody -- you got to understand,
25 nobody's concerned about three strikes in the A.B. Nobody
26 cares about that. That's -- you got to understand, time is
27 irrelevant when you're involved in the gang. The gang is
28 number one. You are number six or seven on the list.

1 Q Well, Mr. Healy, did you tell Mr. Fallman, "Don't
2 argue this strike, my strikes"? Did you tell him that?

3 A On his recommendation I did that. You talking about
4 on the video?

5 Q No, I'm asking you at your trial -- or excuse me,
6 strike that. At your sentencing hearing where Mr. Fallman's
7 arguing to have your strikes struck, were you telling him,
8 "No, don't, I'm not concerned about that"? Did you tell him
9 that?

10 A No. And again, that's because at that point it was
11 like -- I didn't want the life sentence but if -- now that I
12 don't have the life sentence I think I probably would have
13 been better off with it because I would have been out
14 sooner.

15 Now, him -- I'd never discussed with him personally
16 me and him like, "Okay, can you help me out here," and he
17 said, "Okay, well, what are you gonna do for me?" That's
18 never taken place.

19 Q Well --

20 A I know you would like that to have taken place but it
21 never did.

22 Q Mr. Healy, you and Mr. Fallman were at your
23 sentencing hearing together; weren't you?

24 A Yeah, I was. He was. The Probation Officer was,
25 whatever his name was.

26 Q And he went to bat for you; didn't he?

27 A Do you got the whole transcripts there? Because if
28 you have the transcript -- see, I don't ever recall him

1 getting up and talking and saying -- arguing a position --
2 because it was my understanding prior to that when we had
3 postponed the former sentencing date he had said, "I'm not
4 gonna argue this but I won't object -- won't object to it
5 neither."

6 So -- that's what I'm telling you on -- when you
7 asked me that question earlier, that's what I was
8 regarding -- I didn't think he was ever gonna argue it.

9 Q But in fact the strikes got stricken; isn't that
10 correct?

11 A Yes, they got stricken.

12 Q And -- and then -- in fact, Mr. Healy, that was --
13 that flew in the face of your criminal history; didn't it?

14 A What do you mean?

15 MR. FALLMAN: Objection, your Honor. That's a vague
16 question. I don't understand.

17 THE COURT: Rephrase the question.

18 MR. CLANTON: Well, I'll rephrase it.

19 Q Mr. Healy, you'd been convicted of attempting to kill
20 a prison guard; hadn't you?

21 A Yes, I have.

22 Q And you tried to do that with a spear; didn't you?

23 A Yes, I did.

24 MR. FALLMAN: Objection. He, under Castro, is not
25 allowed to go behind the facts. He can only go to the
26 conviction itself.

27 MR. CLANTON: Well, I would --

28 THE COURT: Well, that's when it's being used for

1 impeachment as a -- as a felony conviction under -- under
2 788. The objection's overruled.

3 Q BY MR. CLANTON: You tried to kill a prison guard
4 with a spear.

5 A Yes, I did.

6 Q And you've slashed the throats of inmates; haven't
7 you?

8 A Yes.

9 Q And you've stabbed inmates; haven't you?

10 A Yes.

11 Q And you've beaten inmates with your hands; haven't
12 you?

13 A Yes.

14 Q And -- in fact, you've taken weapons right into
15 court; haven't you?

16 A Yes.

17 Q In fact, you stabbed somebody right at counsel table,
18 a table just like this; didn't you?

19 A Yes.

20 Q And did you and Eddie Burnett get a guy killed in
21 1990?

22 A Yes.

23 Q So you're involved in all of this heinous violent
24 crime.

25 A Yes.

26 Q And yet this man assisted you in getting your strikes
27 struck.

28 MR. FALLMAN: Your Honor, without the entire

1 transcript, that is -- not a fair question. I would move
2 to -- if I can find that transcript I'd like to move that
3 whole transcript in.

4 THE COURT: Well, are you able to answer that
5 question without seeing that transcript?

6 THE WITNESS: No, I can't, your Honor.

7 Q BY MR. CLANTON: Mr. Healy --

8 THE COURT: I'm going to sustain the objection then.

9 Q BY MR. CLANTON: Mr. Healy, that -- is just a portion
10 of your criminal history, right?

11 A What you just outlined here?

12 Q Yes.

13 A Yeah. I got some other things. I mean -- do you
14 want me to name them? I can name them for you.

15 Q Go ahead.

16 MR. FALLMAN: Well, your Honor, before that happens
17 I'm going to interpose -- the People versus Wheeler,
18 subsequent spin on People versus Castro unless he's going to
19 put on a prima facie case as to these --

20 THE COURT: Overruled. He can testify to it.

21 Q BY MR. CLANTON: Will you tell the jury the bounds of
22 your criminal history as you know it?

23 A Well, I beat up a guard in Y.A. In '84. Went to
24 prison for that. I've stabbed about four or five different
25 inmates. Been involved in orchestrating hits and murders.
26 I've murdered. I've tried to stab the guard -- I stabbed a
27 guard. Numerous weapon possessions, about five or six of
28 them. Knives. Spear tips. Numerous D.A. referrals for

1 beating up cops with my hands. And I believe that's about
2 it. That pretty much outlines my history as an adult.

3 Q Well, given your understanding of the three -- three
4 strikes law, you feel that you're the kind of guy that three
5 strikes was made for?

6 MR. FALLMAN: Objection. That's a legal conclusion.
7 He's already said he doesn't understand the three strikes
8 law.

9 THE COURT: Rephrase the question.

10 Q BY MR. CLANTON: Did you fear three strikes because
11 you had that kind of background and you knew you were dead
12 on three strikes?

13 A No, I did not fear three strikes.

14 Q Okay.

15 A And I'll tell you why. When I stabbed that cop in
16 his neck I only had a couple years left. If I was that
17 concerned about time I would have just -- ate my mush and
18 hushed, went on home and said, "Oh, well, let's get out of
19 the prison." Time is not an issue with me, never has been.

20 It is now, yeah. I would like to be out one day. I
21 got to serve my time and I'll serve my time. That's part of
22 the whole deal. I'm serving my time.

23 As far as before that I did not care about time. I
24 started out with four months, counsel. Four-month
25 violation. Been down ten years and got fifty years. Time
26 is not an issue with me.

27 Q Well --

28 A And prior to the fifty years I had thirty years to

1 do.

2 Q Well, do you recall making a statement to the
3 probation officer in your case?

4 A I -- vaguely, yes.

5 Q Do you --

6 A I remember talking to him over the phone.

7 Q Do you remember what was said? And that statement
8 was going to be directed to the judge; isn't that correct?
9 Is that what he told you?

10 A Yes. Yes, it was.

11 Q And do you recall in that statement whether you
12 discussed about not ever coming back to prison?

13 A Again, this was subsequent to me debriefing, making
14 up my mind to disassociate myself from the Aryan
15 Brotherhood. At that point I was going through a lot of
16 emotional trips inside my head. I was still second-guessing
17 if I was doing what I was supposed to be doing. Time was an
18 issue then. I was thinking, "Yeah, I would like to be out
19 one day," but that's subsequent to me debriefing.

20 Q Well, so -- time was an issue for you then.

21 A Afterwards.

22 Q You mean -- no. At the time you wrote or gave that
23 statement to your probation officer, time was an issue for
24 you.

25 A Oh, yeah, then it was starting to become an issue.
26 Yeah, I would like to get out one day.

27 Q And now that you testify in front of juries it's not
28 an issue anymore?

1 A No, I have not said that. I told you right from the
2 gate about now that I'm debriefing I'm disassociating from
3 the Aryan Brotherhood. I hope to one day be out. I would
4 like to see my daughter again. I would like to see my
5 nephew again. I got family members out there. I would like
6 to be with my family again. I am now an individual. I am
7 no longer part of the collective gang business.

8 Q Okay. Well, Mr. Healy, if time was an issue at the
9 time you talked to the probation officer, and time is an
10 issue now, because -- as you said to this jury, you want
11 out, time's always been an issue for you then; isn't that
12 correct?

13 A No, that's not true. A little carries a long way. I
14 just told you before I debriefed it wasn't an issue, so how
15 could you say always?

16 Q In any event, what you're saying, Mr. Healy, then if
17 I understand you correctly is that you weren't going to tell
18 Mr. Fallman to be quiet at your sentencing hearing when it
19 came to three strikes, right?

20 A Would anybody?

21 Q Well --

22 A You tell me. If any -- you find me one convict
23 that's going to say, "Oh, no, leave me in prison. I want to
24 stay in here."

25 Q Okay, so that's exactly what you were bargaining for;
26 wasn't it?

27 A No.

28 Q You wanted -- Mr. Healy, please just let me finish my

1 question.

2 A Okay, I apologize.

3 Q It's hard for the reporter -- so in fact, isn't it
4 true, Mr. Healy, that you had it in your mind that if you
5 got struck out you weren't ever hitting the streets so you
6 sold out.

7 MR. FALLMAN: Wait, I --

8 THE WITNESS: Not true. Not true, absolutely. Not
9 true.

10 Q BY MR. CLANTON: Did you ever decide, Mr. Healy, that
11 you knew a few things that you'd been able to pick up here
12 and there and that you knew you were going down on three
13 strikes so you contacted the District Attorney?

14 A Not true.

15 Q Well --

16 A Never a motivating factor.

17 Q So -- and so -- it's just a coincidence that you made
18 that decision between the time you were convicted and the
19 time that you were sentenced.

20 A It is a coincidence because I'll tell you right now,
21 as I told you, the motivating factor was being deceived by
22 the Aryan Brotherhood.

23 Q Would you say that that's a big coincidence, Mr.
24 Healy?

25 A What's that?

26 Q You see that as a big coincidence?

27 A Well, no, it's a coincidence. You're focusing it --
28 you're making it a serious coincidence but I don't think it

1 is and I think the evidence shows that my motivating -- my
2 motivating factor for coming forward was as I've said.
3 Ruffo. I killed Ruffo. I felt bad behind killing Ruffo
4 when I found out they had lied about it, it was done over a
5 personal thing.

6 Q Well, isn't it true, Mr. Healy, the only
7 circumstances that changed after your conviction was the
8 fact that now you were facing three strikes?

9 A Say that again?

10 Q Isn't it true, Mr. Healy, that the only circumstances
11 that changed for you as a person after your conviction was
12 the fact that now you were facing three strikes?

13 A Only thing that changed?

14 Q Yes.

15 A No, a lot of things changed. I've changed my whole
16 perspective on life. Everything's changed.

17 Q Well, you didn't -- you weren't facing three strikes
18 prior to October 2nd, 1997; were you?

19 A You said everything changed. Now, "everything," that
20 carries a long way. Again, I mean, you're asking me
21 everything. Everything didn't change.

22 Q Well, let's make it more simple then, Mr. Healy. The
23 date you were convicted you started facing three strikes;
24 isn't that correct?

25 A That is correct.

26 Q Okay.

27 A I think I was facing three strikes prior to that
28 because we had discussions of -- pre -- pretrial discussions

1 regarding three strikes. So I think I probably could have
2 took the stand and done it prior to that.

3 Q The fact is, the minute you got that conviction for
4 voluntary manslaughter you knew that you were going to
5 potentially be sentenced to a three strikes 25-to-life term,
6 correct?

7 A Yes.

8 Q Okay.

9 A That's true but not a motivating factor, me turning
10 State's evidence on your client.

11 Q So is it your testimony, Mr. Healy, that you
12 debriefed out of the kindness of your heart? It had nothing
13 to do with the fact that you were going to prison for life?

14 MR. FALLMAN: Your Honor, that misstates his
15 testimony.

16 THE COURT: Objection's overruled.

17 THE WITNESS: Could you repeat the question, please?

18 Q BY MR. CLANTON: Isn't it true, Mr. Healy, that you
19 decided to -- begin your career testifying in trials like
20 this in order to not go to trial -- -- or go to prison for
21 life; isn't that true?

22 MR. FALLMAN: Objection to the form of the question.
23 Assumes that he's making a career out of testifying.

24 That's -- that's --

25 THE COURT: Overruled. You may answer.

26 THE WITNESS: Well, again, you're on -- you've asked
27 me this question I think now about thirty times and -- I
28 mean -- different ways, though, and I keep telling you,

1 look, it's not a motivating factor. Time has nothing to
2 do -- I could see if I got out of prison then you would have
3 a serious argument right now. You could say, "Look, hey,
4 Mr. Healy, you're on the streets right now; aren't you?"
5 And then you could sit back and go, "Yeah, that guy got some
6 serious action." I'm not on the streets. I'm in prison.
7 I'm in a security housing unit still. I will remain in
8 prison until the year two thousand whenever, a long way
9 away. So there -- there's no deal. There's nothing.

10 Q Well, Mr. Healy --

11 A I'm un -- I'm unloading my conscience is what I'm
12 doing here. I've been involved in a lot of evil stuff in my
13 day and I feel bad behind it. It's not easy for me to come
14 up here in front of all these people and talk about all this
15 but I do it, and I'm doing it because -- you know what I
16 think? I'm giving back to society now, that's all I want to
17 do, help law enforcement and that's it. I don't care about
18 these gang members. I don't care about all the time. I
19 don't care about none of that. That don't make a difference
20 to me no more.

21 Q Well, Mr. Healy, prior to November of '97 you were in
22 the SHU at Pelican Bay State Prison, right?

23 A Yes, I was.

24 Q You were -- on single-cell status; isn't that
25 correct?

26 A When are you talking about?

27 Q Prior to --

28 A I mean, I've had numerous cellies up there but I've

1 been on single-cell status as well.

2 Q Okay, say in the period of time of --

3 A Subsequent to Ruffo's murder?

4 Q Yes.

5 A Yes, I was single-celled.

6 Q So you're single-celled, you're in the SHU, and by
7 your own admission life in the SHU is miserable, right?

8 A Yes.

9 MR. FALLMAN: Asked and answered.

10 THE COURT: Well, the answer will stand. Go ahead.

11 Q BY MR. CLANTON: And after November of '97 those
12 circumstances changed; didn't they?

13 A What circumstances?

14 Q The fact that you were in the SHU. The fact --

15 A I've been in the SHU.

16 Q -- you were in Pelican Bay.

17 A I've been in Pelican Bay in '97.

18 Q You're not in Pelican Bay right now; are you?

19 A No, but I'm still in a security housing unit. You
20 know what? I'm probably in a more security setting now than
21 I was in Pelican Bay. I don't leave my cell without cops
22 all around me, shackles on my feet, the whole nine yards.

23 MR. CLANTON: Your Honor, I'd ask that we approach on
24 the record, please.

25 THE COURT: All right.

26 (The following proceedings
27 were held at bench outside
 the presence of the jury.)

28 MR. CLANTON: Your Honor, I was prepared to abide by

1 the agreement with Mr. Fallman and the Court that I would
2 not go into the status of Mr. Healy's current incarceration,
3 but because he is volunteering testifying in a way that
4 describes his incarceration as -- as being Draconian and
5 akin to what's going on at Pelican Bay State Prison, I think
6 I would have the right to go into that and discover whether
7 that's true or not.

8 THE COURT: Well, essentially you brought it on
9 yourself; it's not that he's volunteering it. So far as
10 what prison he is now housed in, where -- where they have
11 placed him for his safety, I'm not going to allow you to
12 find out what prison it is. His testimony is he's in a
13 secure housing unit. He had testified to that much earlier
14 in your cross-examination the same thing and -- and -- I
15 don't know if you -- if you're trying to show that that's
16 not true and he's not, otherwise I don't know why you -- why
17 you delved into this deeper because -- because if you don't
18 think he is in a security housing unit, I don't know.
19 But -- but -- but if you -- but at this point it appears to
20 me that -- well, and the other aspect of it is given his
21 history, I would be amazed if he were not. He's obviously
22 an extremely dangerous man by his own admission and
23 obviously any prison is going to keep him in as much
24 security as they can so it's not plausible that he isn't, so
25 why are we going through this drill here?

26 MR. CLANTON: Well, the reason, your Honor, is I --
27 suspect that his circumstances are considerably less harsh
28 than they were at Pelican Bay State Prison. He's trying to

1 indicate, "Well, that's not true." I -- I have not looked
2 into that because I felt that the Court would rightfully
3 terminate my exploration of that area, but I think that I
4 have a right to engage in discovery on that issue and find
5 out what exactly are his circumstances.

6 Mr. Healy is a very clever man. He is a practiced
7 and artful --

8 THE COURT: Uh-huh.

9 MR. CLANTON: -- witness, and I think he's been very
10 well groomed for today and I think if he's going to get into
11 these types of responses that I would have the right to --
12 to look into that.

13 THE COURT: Well, his answer was quite responsive to
14 your question. And you -- you have -- you have developed
15 this situation we now find ourselves in.

16 MR. CLANTON: Uh-huh.

17 THE COURT: And so -- as I say, it is not plausible
18 that he is not in any security housing unit. Any
19 responsible correctional official would put him in one given
20 his history. And so -- I -- I take it that he is. And so
21 there's nothing really useful to be gained from delving into
22 just where it might be.

23 MR. CLANTON: Well, it wasn't so much where it is but
24 the circumstances of his actual incarceration. Is --

25 THE COURT: Well --

26 MR. CLANTON: Is he shackled day and night such as he
27 says, that sort of thing, and I would do that not through
28 this questioning process at this point but -- at -- ask for

1 discovery in that particular area and maybe have him brought
2 back later today.

3 MR. FALLMAN: That would defeat the whole purpose of
4 him being in the protection program. We would object to
5 that and --

6 THE COURT: He's clearly under some tight security
7 and should be. And -- and whether -- you know, he has one
8 hour of shackles on his left wrist or not on any given day I
9 think is really unnecessary.

10 MR. CLANTON: All right.

11 THE COURT: So I'm going to --

12 MR. CLANTON: That's fine.

13 THE COURT: -- sustain the ruling and sustain the
14 objection.

15 (The proceedings then
16 resumed in open court in the
presence of the jury.)

17 Q BY MR. CLANTON: Mr. Healy, did you know Mr. Marsh?
18 Aaron Marsh?

19 A Yes, I believe he -- like I said before, if it's
20 Youngster that was in Old Folsom, that's the one, and I know
21 him, yeah.

22 Q Okay.

23 A But I hadn't seen him since that time.

24 Q Okay, so you knew him back in Folsom?

25 A I believe so, if it's the same guy.

26 Q And you knew him?

27 A Yes, I believe so.

28 Q Did you ever see Mr. Marsh intoxicated?

1 A I'd say yeah, there was a lot of people that used to
2 drink back then. They had a lot of good -- they was making
3 moonshine back then so --

4 Q Do you recall whether he was belligerent when he
5 drank?

6 A I -- belligerent? No, I wouldn't say he was
7 belligerent. He wouldn't -- wouldn't be able to be
8 belligerent at that time.

9 Q Was he loud?

10 A I mean, yeah. Like I said before, his tongue got a
11 little loose. He wasn't overly loud, probably no more than
12 you when you get drunk or anybody else in the courtroom when
13 they start drinking.

14 Q Well, were you aware of any people that Mr. Marsh had
15 killed?

16 A Of the -- the incident or -- the people that he
17 killed?

18 Q People that Mr. Marsh had killed.

19 A I'm familiar with him being involved in murders. Or
20 a murder with an A.B. member named Tank. That's -- about as
21 far as I know. I don't know who it was personally. I know
22 it was a Hell's Angel. And that's it. But I don't know
23 none of the specifics regarding the case.

24 Q Did you -- are you aware of Mr. Marsh slashing the
25 throat of a cellmate? Of his?

26 A Oh, yeah. Yeah, I'm not gonna tell you Marsh was
27 nonviolent. I mean, yeah, he's -- he's gotten busy in the
28 past. I mean, I'd be a fool to tell you that he wasn't. He

1 was A.B., he's gonna be violent.

2 Q So --

3 A It's our nature.

4 Q So in fact you're aware of an incident where Mr.
5 Marsh slashed the throat of his own cellmate?

6 MR. FALLMAN: Asked and answered.

7 THE COURT: You may answer.

8 THE WITNESS: Banducci. Yeah, I know him, yeah.

9 Q BY MR. CLANTON: Okay. Thank you. Just out of
10 curiosity, Mr. Healy, if there is a cell fight --

11 A Uh-huh.

12 Q -- and nobody dies but just -- some small injuries,
13 is it likely or customary for that injured party to call out
14 to the guards and say, "I've been struck by my cellmate"?

15 A No.

16 Q Why would that not take place?

17 A Because you'd be a stool pigeon. That would be a
18 coward. You'd be -- you know, wouldn't be right. You would
19 be a rat.

20 Q So you wouldn't expect somebody to do that, right?

21 A No.

22 Q Okay. Thank you. Mr. Healy, again out of curiosity,
23 you recently received any money as a result of a civil
24 settlement?

25 A Recently? No. About a year and a half ago or
26 something now.

27 Q Okay.

28 A Two years ago.

1 Q How much did you receive?

2 A About three thousand dollars.

3 Q Three thousand dollars?

4 A Yeah, three thousand.

5 Q Okay. Thank you. Have you ever told a fellow
6 inmate, Mr. Healy, that you created the stories you've told
7 during your debriefing in order to gain the trust of law
8 enforcement so that you might escape someday?

9 A No.

10 Q Never said that to anybody?

11 A Never told that to no one, no.

12 Q Okay. Well, you're currently working with federal
13 authorities; isn't that correct?

14 MR. FALLMAN: Objection.

15 THE COURT: You can answer "yes" or "no."

16 THE WITNESS: Yes.

17 Q BY MR. CLANTON: And can you tell this jury whether
18 there's been any discussions about whether you might someday
19 be housed out of the State of California? Outside the
20 State?

21 MR. FALLMAN: Objection. For his security.

22 THE COURT: Again you can answer "yes" or "no."

23 THE WITNESS: Yes.

24 Q BY MR. CLANTON: Okay. Thank you. So it would be a
25 long way from the SHU to someplace outside of California;
26 wouldn't it, Mr. Healy?

27 MR. FALLMAN: Objection. Calls for speculation.

28 THE COURT: Sustained.

1 Q BY MR. CLANTON: Mr. Healy, do you consider yourself
2 a good manipulator?

3 A I would say I used to be.

4 Q Okay. Didn't you -- or -- wouldn't you consider it
5 one of your many virtues?

6 A No.

7 Q Well --

8 A I wouldn't even call myself a virtuous person in
9 terms of that, not when I was active in the Aryan
10 Brotherhood. I was a hateful person. All those dudes are
11 hateful, bitter. It's -- no.

12 Q Have you ever described your ability to manipulate as
13 one of the positive aspects of your personality?

14 A I'm not going to say I've never manipulated myself
15 into a situation where I would get something. No, I'm not
16 going to tell you that because I have done that. But as far
17 as me mastering the art of manipulation, no, I've never done
18 that. No, because I've never really been one that's too
19 friendly with cops.

20 Q So you wouldn't manipulate this jury at all; would
21 you?

22 A No, I'm telling this jury the utmost truth. All day
23 that's all I've been telling is the utmost truth.

24 MR. CLANTON: Thank you, Mr. Healy.

25 I have no further questions, your Honor.

26 THE COURT: Redirect?

27 REDIRECT EXAMINATION

28 Q BY MR. FALLMAN: The -- the \$3000, tell the jury what

1 you -- what happened for those \$3000.

2 A Well, a problem -- it's mostly all gone now. I sent
3 probably about sixteen or seventeen hundred of it to my
4 mother and -- this past Christmas. My mother spent it on
5 the kids, my nephew for Christmas. I've helped my parents
6 out. My parents aren't rich. I helped them out. They
7 could use it on whatever they wanted.

8 I had a couple hundred dollars left on my books, my
9 account, my books and I've spend that on literature. And
10 I've got I think about \$200 left. Oh, and I also paid
11 restitution, excuse me. When I got convicted I paid -- they
12 took some money for restitution.

13 Q Restitution for your victims?

14 A Yeah. Yeah, I still owe some.

15 MR. FALLMAN: (Nodding.) No further questions, your
16 Honor.

17 THE COURT: Mr. Clanton, anything further?

18 MR. CLANTON: Nothing further, your Honor.

19 THE COURT: All right, at this time, ladies and
20 gentlemen, we're going to break for lunch. We'll come back
21 at 1:00 o'clock.

22 While you're on your break, remember the admonition.
23 Do not discuss the case or form any conclusions about it.

24 One o'clock. Court is recessed.

25 (Whereupon the noon recess was taken.)

26 THE COURT: All right. For the record we have
27 present all members of the jury, both attorneys and the
28 defendant.